

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF PROVIDENCE, Individually and on Behalf of All Others Similarly Situated,	)	
	)	No. 11-CV-7132 (CM)(GWG)
	)	
Plaintiff,	)	<u>CLASS ACTION</u>
	)	
vs.	)	
	)	
AEROPOSTALE, INC., THOMAS P. JOHNSON	)	
and MARC D. MILLER,	)	
	)	
Defendants.	)	
	)	

**REPLY DECLARATION OF JONATHAN GARDNER IN FURTHER  
SUPPORT OF LEAD PLAINTIFF'S MOTION FOR AN APPEAL BOND**

I, JONATHAN GARDNER, declare as follows pursuant to 28 U.S.C. §1746:

1. I am a partner of the law firm of Labaton Sucharow LLP, court-appointed Lead Counsel for the City of Providence (“Lead Plaintiff”) and the Class, and am admitted to practice before this Court. I respectfully submit this declaration in further support of Lead Plaintiff’s motion for an appeal bond. I have personal knowledge of the matters testified to herein.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Brief of Appellant Donald Robert Pierson II filed in the United States Court of Appeals for the Second Circuit.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 2014.



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JONATHAN GARDNER